

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on September 20, 2011.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Bob Becker, Absent Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor Tim Gover.

Also physically present were City personnel: Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, Library Director Ryan Franklin and City Clerk Susan O'Brien.

Commissioner Hall seconded by Commissioner Rankin moved to approve the consent agenda consisting of minutes of the regular meeting September 6, 2011; bills and payroll for the first half of September, 2011.

**Bills and Payroll for the first half of September, 2011**

**General Fund**

Payroll		\$ 238,429.71
Bills		<u>\$ 148,389.39</u>
	Total	\$ 386,819.10

**Hotel Tax Fund**

Payroll		\$ 1,666.65
Bills		<u>\$ 14,082.90</u>
	Total	\$ 15,749.55

**Festival Management Fund**

Bills		<u>\$ 723.60</u>
	Total	\$ 723.60

**Insurance & Tort Judgment**

Bills		<u>\$ 40,733.70</u>
	Total	\$ 40,733.70

**Midtown TIF Fund**

Bills		<u>\$ 109,680.31</u>
	Total	\$ 109,680.31

**Capital Project Fund**

Bills		<u>\$ 452,259.59</u>
	Total	\$ 452,259.59

**Broadway East TIF Dist**

Bills		<u>\$ 4,209.68</u>
	Total	\$ 4,209.68

**Water Fund**

Payroll		\$ 28,081.97
Bills		<u>\$ 26,554.83</u>
	Total	\$ 54,636.80

**Sewer Fund**

Payroll		\$ 31,268.43
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Bills		\$ 25,395.20
	Total	\$ 56,663.63
<b><u>Motor Fuel Tax Fund</u></b>		
Bills		\$ 209,564.08
	Total	\$ 209,231.08
<b><u>Health Insurance Fund</u></b>		
Bills		\$ 113,898.74
	Total	\$ 113,898.74

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

## **PRESENTATIONS, PETITIONS & COMMUNICATIONS**

- Public comments/presentations and non-agenda items

Mr. Bob Dunst spoke on behalf of the pickleball players and addressed the boundary lines as a tennis player as well. Mrs. Joyce St. Michael added her conversation with her daughter who had no trouble with the additional lines. Mr. Jim Shook noted his conversation with young tennis players' coach who had not noticed problems with the extra lines. Mrs. Marcia Overton spoke on behalf of the pickleball players and noted participation by players from various other cities in the surrounding communities. Mayor Gover stated he and Director Barber have heard their request.

Mayor Gover opened the floor for further comments to the Council.

Mr. Tim Quakenbush updated the Council on his and Mr. John Arena's attempt to work out a neighborhood issue and stated Mr. Arena's attorney had made a purchase offer for the adjoining neighbor's building.

Mayor opened the floor for further questions or comments, and thanked those in attendance.

Clerk O'Brien read the following proclamation:

### **Proclamation**

WHEREAS, the service rendered the United States by the American Mother is the greatest source of the Country's strength and inspiration; and

WHEREAS, we honor ourselves and the mothers of America when we revere and give emphasis to the home as the fountainhead of the State; and

WHEREAS, the American Mother is doing so much for the home and for the moral and spiritual uplift of the people of the United States and hence so much for good government and humanity; and

WHEREAS, the American Gold Star Mothers suffered the supreme sacrifice of motherhood in the loss of their sons and daughters in World Wars; and

WHEREAS, we will forever be grateful for our Gold Star Mothers who have given so much for our safety and freedom in the great nation and the City of Mattoon, IL; and

WHEREAS, we acknowledge the need to remain a united nation of strength, endurance and perseverance;

NOW, THEREFORE, I Timothy D. Gover, MAYOR of the City of Mattoon, IL, do hereby proclaim the week of September 19, 2011 through September 25, 2011 as

**GOLD STAR MOTHERS WEEK**

For the citizens of Mattoon, and encourage the citizens to display the flag as a public expression of the love, sorrow and reverence of the people of Mattoon for the American Gold Star Mothers.

Signed this 19<sup>th</sup> day of September, 2011.

/s/ Timothy D. Gover  
Mayor Timothy D. Gover

**NEW BUSINESS:**

Commissioner Rankin seconded by Commissioner Hall moved to adopt Special Ordinance 2011-1456, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and Mattoon Public Library reimbursing up to \$55,000 from Mid-town TIF Revenues for façade improvements including exterior structure improvements, stair and handrail replacements, replacement of bricks, installation of a security gate and permanent bicycle racks to the property located at 1600 Charleston Avenue.

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2011-1456**

**AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND THE MATTOON PUBLIC LIBRARY IN CONNECTION WITH THE MATTOON MIDTOWN TIF REDEVELOPMENT PROJECT AREA**

**WHEREAS**, the Mattoon Public Library (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Midtown Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 20<sup>th</sup> day of September, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Hall  
Commissioner Rankin, Mayor Gover

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 20<sup>th</sup> day of September, 2011.

/s/ Tim Gover  
Mayor Tim Gover  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 20, 2011.

Attachment (1) - EXHIBIT "A"

Mayor Gover opened the floor for discussion. Commissioner Rankin inquired as to the improvements to the outside steps. Director Franklin noted the outside steps were to be replaced with concrete of similar color, due to the infeasibility of stone replacements.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Becker moved to adopt Special Ordinance 2011-1457, establishing the 2011/2012 Compensation Plan for managerial and non-union non-managerial employees of the municipality.

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2011-1457**

**AN ORDINANCE ESTABLISHING THE 2011 - 2012 COMPENSATION PLAN FOR THE MANAGERIAL AND NON-UNION NON-MANAGERIAL EMPLOYEES OF THE MUNICIPALITY**

**WHEREAS**, negotiations have resulted in ratified agreements with two collective bargaining agents that represent employees of the municipality that provide an average of two percent (2%) pay increases at the beginning of each fiscal year beginning May 1, 2011 and ending April 30, 2012; and

**WHEREAS**, each of these collective bargaining agreements provide that City Council will amend its ordinances consistent with terms of the collective bargaining agreements; and

**WHEREAS**, the time is now appropriate to also establish rates of pay for the managerial employees and the non-managerial employees not represented by a collective bargaining agreement effective with the fiscal year that begins May 1, 2011.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

**Section 1.** Non-Managerial, Non-Confidential & FLSA Exempt Employees shall be compensated in accordance with the schedule attached to this ordinance and marked Appendix A, which is consistent with the salary increases contained in the City's current collective bargaining agreements. Employees assigned to positions identified on the Schedule of Confidential & FLSA Exempt Supervisory & Management Positions shall receive an average salary increase of 2% as outlined in Appendix B effective May 1, 2011.

**Section 2.** Management employees assigned to positions identified on the Schedule of Confidential & FLSA Exempt Supervisory & Management Positions shall receive a salary increase of 2% as outlined in Appendix C effective May 1, 2011.

**Section 3.** To the extent this ordinance conflicts with prior ordinances establishing a compensation plan for the City's employees, the prior ordinances shall control except where specifically amended by this ordinance.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Becker, adopted this 20th day of September, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Hall  
Commissioner Rankin, Mayor Gover

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 20<sup>th</sup> day of September, 2011.

/s/ Timothy D. Gover  
Timothy D. Gover, Mayor

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 20, 2011.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance 2011-1458, approving a variance from the rear/side yard setback requirement for a property at 3457 Western Avenue. Petitioner - Howard Garman, Jr.

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2011-1458**

**AN ORDINANCE GRANTING A VARIANCE FROM THE REAR/SIDE YARD SET BACK REQUIREMENT AT  
3457 WESTERN AVENUE**

**WHEREAS** there has been filed a written Petition by Howard Garman for a variance, respecting the property legally described as:

Lot thirteen (13) and the West 20 feet of Lot twelve (12) in Henrich's Subdivision, of the City of Mattoon, Coles County, Illinois; commonly known as 3457 Western Avenue

**WHEREAS**, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow the construction of an addition to the garage that encroaches into the rear/side yard setback on the southwest side of the property located at 3457 Western Ave., and which will reduce the rear/side yard setback on the southwest side from the required 3 feet to 6 inches of a platted right of way along the railroad property; and

**WHEREAS** the zoning code requires rear and side yard setback to be three feet on detached accessory buildings in R1, Single Family Residence Zoning District; and

**WHEREAS** the Planning Commission for the City of Mattoon held a properly-noticed public hearing on September 13, 2011 regarding petitioner's request for said variance; and

**WHEREAS** the Planning Commission for the City of Mattoon has recommended that the requested variance be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the rear/side yard setback requirement to enable the construction of an addition to the garage that encroaches rear/side yard setback on the southwest side of the property located at 3457 Western Ave., and which will reduce the rear/side yard setback from the required 3 feet to 6 inches.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 20<sup>th</sup> day of September, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Hall  
Commissioner Rankin, Mayor Gover

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 20th day of September, 2011.

/s/ Tim Gover  
Tim Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 20, 2011.

Mayor Gover opened the floor for discussion. Mayor Gover inquired as to its approval by the Planning Commission with Coordinator Gill responding affirmatively and the Planning Commission's recommendation.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2011-1256, approving Change Order #39 to the Depot Project in the amount of \$97,653.60 for the installation of storm windows. This amount will be paid from donations received from the Coles County Historical Society.

Mayor Gover opened the floor for discussion. Commissioner Rankin thanked the Historical Society for their efforts in collecting the donations. Mayor Gover also thanked the Society. Mrs. Jackie Record noted expenditures as the best way to use the donations.

Mayor Gover seconded by Commissioner Hall declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Becker moved to approve Council Decision Request 2011-1257, ratifying the Mayor's appointment of Candice Rankin to the Mattoon Public Library Board for a term ending 06-30-14.

Mayor Gover opened the floor for discussion. Commissioner Rankin noted Mrs. Rankin was of no relation.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Becker seconded by Commissioner Rankin moved to approve Council Decision Request 2011-1258, approving paving plans for the paving of the YMCA/Depot Alley.

Mayor Gover opened the floor for discussion. Commissioner Hall requested clarification of the two motions with Director Barber explaining the first was to follow statutory requirements by Council approving the specifications of public improvements over \$20,000 and the second was to approve the price of the concrete. Commissioner Hall further inquired whether the alley and parking lot had distinction with Director Barber stating no and both were to be paved. Mayor Gover opened the floor for further questions with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Becker seconded by Commissioner Rankin moved to approve Council Decision Request 2011-1259, approving the waiver of the requirement for formal bidding and approving the price quote from Bartels Construction in the amount of \$30,424.00 for the YMCA/Depot Alley Concrete.

Mayor Gover opened the floor for discussion or comments. Director Barber elaborated on the time savings of work to be completed by City workers; and explained the process. Mayor Gover inquired as to the completion date of Progress Square with Director Barber stating the end of November with additional work (electrical) to be completed later.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Rankin seconded by Commissioner Becker moved to approve Council Decision Request 2011-1260, approving the appropriation of \$715,000.00 for MFT Street Maintenance Materials for Calendar Year 2011.

Mayor Gover opened the floor for discussion. Director Barber noted this revision and estimate as a year-end adjustment requiring Council approval and IDOT's approval, and elaborated on the oil and chip program. Commissioner Becker noted his street was one of the first streets in the program, but he was not on the Council when the program was implemented.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Rankin moved to approve Council Decision Request 2011-1261, approving a \$5,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon Youth Wrestling Club for hosting the Mattoon Santa Chase Half Marathon and 5K Race on November 19, 2011; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Rankin moved to approve Council Decision Request 2011-1262, approving a \$4,900 grant by the Tourism Advisory Committee from hotel/motel tax funds to Lake Land College Athletics for hosting the Quality Inn – Laker Classic on November 11- 13, 2011; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Becker moved to approve Council Decision Request 2011-1263, awarding the proposal from Houseal Lavigne Associates of Chicago in the amount of \$47,978.00 to provide consulting services for the Mattoon Comprehensive Plan.

Mayor Gover opened the floor for discussion or comments with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

#### DEPARTMENT REPORTS

ATTORNEY & TREASURER – noted work on audit. Mayor Gover opened the floor for questions with no responders.

CITY CLERK – noted work on various reports – business as usual. Mayor Gover opened the floor for questions with no responders.

PUBLIC WORKS – reviewed various projects (Sanitary Sewer Replacement next to Hunan Restaurant, demolition of parking lot and electrical work, prep work for mural, 31<sup>st</sup> Street/ United Graphics work completed, South Side Drainage Basin update, Lawson Park equipment installation with opening on Thursday, Depot Parking Lot, and Moultrie County Water District completed their connection), commended Kurt Stretch and crews for their work at Lawson Park and commended the Kiwanis Club for their fundraising efforts as well. Commissioner Rankin commended the Kiwanis Club and the City's staff for a job well done. Mayor Gover opened the floor for questions. Mrs. Jackie Record inquired about the Depot Parking Lot with Director Barber responding. Further discussion was held on the Depot Parking Lot. Mayor Gover commended the staff and crews on Lawson Park and noted Vanlaningham Park and Cunningham Park could use playground equipment.

COMMUNITY DEVELOPMENT – updated Council on nuisances and property maintenance, review of plans for commercial projects and one house project. Mayor Gover opened the floor for questions with no responders.

FIRE - updated the Council on various training, 9/11 memorial attendance at MMS and St. Mary's School, fire prevention readiness, Special Olympics festival, announced Fire Prevention week and Fire Open House on October 15<sup>th</sup>. Mayor Gover opened the floor for questions with no responders.

POLICE – updated Council on two injured officers and their status, increased nuisance patrol, and initiated traffic enforcement in the school zones. Mayor Gover opened the floor for questions with no responders.

#### COMMENTS BY THE COUNCIL

Commissioners Becker, Hall and Rankin had no further comments.

Mayor Gover thanked all in attendance.

Attorney & Treasurer Owen announced the mural dedication scheduled for Saturday, October 1, 2011 and thanked Mr. Bob Walker for allowing the artist to use his building for storage.

Commissioner Hall seconded by Commissioner Becker moved to adjourn at 7:14 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

/s/ Susan J. O'Brien  
City Clerk